

13 Rec'd PCT/PTO 06 MAY 2002

09/980672

MORRISON & FOERSTER LLP

Attorneys at Law
3811 Valley Centre Drive, Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

FAXED

**To: Mr. Winston Alvarado
USPTO**

**Facsimile: (703)-305-3230
Phone: (703)-305-6421**

From: Attorney Peng Chen

Date: April 24, 2002

We are transmitting a total of 7 pages (including this page).
Original or hard copy to follow if this box is checked ☐.

If you do not receive all pages, please call as soon as possible (858) 720-5169.

Preparer of this slip has confirmed that facsimile number given is correct: 7989/RXA5

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

PLEASE DELIVER IMMEDIATELY TO MR. ALVARADO

**Re: U.S. Patent Application, Serial No. 09/980,672
For: CARDIAC MUSCLE FUNCTION AND MANIPULATION
By: Mingdong ZHOU
Our reference: 52401-20002.00**

Dear Mr. Alvarado:

Per our discussion today, April 24, attached are copies of the Declaration as filed on February 27, 2002, including returned postcard and accompanying documents. The sequence listing and disk will be filed prior to the May 13, 2002 due date. Thank you for your assistance. Please give me a call if anything further is required.

Regards,

**Rhea Amid, Assistant to
Attorney Peng Chen**

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CARDIAC MUSCLE FUNCTION AND MANIPULATION,

☒ was filed on October 23, 2001 as Application Serial No. 09/980,672 and identified as attorney docket No. 524012000200.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Date of Filing (day/month/year) | Priority Claimed? |
|-----------------|-----------|------------------------------------|---|
| PP 7850 | AUSTRALIA | December 21, 1998 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date |
|------------------------|-------------|
| | |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No. | Filing Date | Status |
|------------------------|-------------------|--|
| PCT/AU99/01137 | December 21, 1999 | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned |

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| | |
|---------------------------------------|---|
| Lisa A. Amii (Reg No. 48,199) | Randolph Ted Apple (Reg No. 36,429) |
| Mehran Arjomand (Reg No. 48,231) | Laurie A. Axford (Reg No. 35,053) |
| Sanjay S. Bagade (Reg No. 42,280) | Erwin J. Basinski (Reg No. 34,773) |
| Shantanu Basu (Reg No. 43,318) | Richard R. Batt (Reg No. 43,485) |
| Vincent J. Belusko (Reg No. 30,820) | Jonathan Bockman (Reg No. 45,640) |
| Kimberly A. Bolin (Reg No. 44,546) | Barry E. Bretschneider (Reg No. 28,055) |
| Tyler S. Brown (Reg No. 36,465) | Nicholas Buffinger (Reg No. 39,124) |
| A. Randall Camacho (Reg No. 46,595) | Mark R. Carter (Reg No. 39,131) |
| Robert K. Cerpa (Reg No. 39,933) | Peng Chen (Reg No. 43,543) |
| Alex Chartove (Reg No. 31,942) | Thomas Chuang (Reg No. 44,616) |
| Thomas E. Ciotti (Reg No. 21,013) | Cara M. Coburn (Reg No. 46,631) |
| Matthew M. D'Amore (Reg No. 42,457) | Raj S. Davé (Reg No. 42,465) |
| Peter Davis (Reg No. 36,119) | David Devernoe (Reg No. P-50,128) |
| Karen B. Dow (Reg No. 29,684) | Stephen C. Durant (Reg No. 31,506) |
| Carolyn A. Favorito (Reg No. 39,183) | David L. Fehrman (Reg No. 28,600) |
| Hector Gallegos (Reg No. 40,614) | Thomas George (Reg No. 45,740) |
| Deborah S. Gladstein (Reg No. 43,636) | Debra J. Glaister (Reg No. 33,888) |
| Kenneth R. Glick (Reg No. 28,612) | Bruce D. Grant (Reg No. 47,608) |
| Johnney U. Han (Reg No. 45,565) | Douglas G. Hodder (Reg No. 41,840) |
| Alan S. Hodes (Reg No. 38,185) | Charles D. Holland (Reg No. 35,196) |
| Kelvan P. Howard (Reg No. P48,999) | Jill A. Jacobson (Reg No. 40,030) |
| Wayne Jaeschke, Jr. (Reg No. 38,503) | Madeline I. Johnston (Reg No. 36,174) |
| Parisa Jorjani (Reg No. 46,813) | Ararat Kapouytian (Reg No. 40,044) |
| Richard C. Kim (Reg No. 40,046) | Cameron A. King (Reg No. 41,897) |
| Lawrence B. Kong (Reg No. P49,043) | Kawai Lau (Reg No. 44,461) |
| Glenn Kubota (Reg No. 44,197) | Rimas T. Lukas (Reg No. 46,451) |
| Michael J. Mauriel (Reg No. 44,226) | Gladys H. Monroy (Reg No. 32,430) |
| Philip A. Morin (Reg No. P-45,926) | Kate H. Murashige (Reg No. 29,959) |
| Mabel Ng (Reg No. P48,922) | Martin M. Noonan (Reg No. 44,264) |
| Catherine M. Polizzi (Reg No. 40,130) | Phillip Reilly (Reg No. 41,415) |
| Robert E. Scheid (Reg. No. 42,126) | Debra A. Shetka (Reg No. 33,309) |
| Terri Shieh-Newton (Reg No. 47,081) | Kevin R. Spivak (Reg No. 43,148) |
| Stanley H. Thompson (Reg No. 45,160) | Thomas L. Treffert (Reg No. P48,279) |
| Brenda J. Wallach (Reg No. 45,193) | Michael R. Ward (Reg No. 38,651) |
| E. Thomas Wheelock (Reg No. 28,825) | Todd W. Wight (Reg No. 45,218) |
| Eric Witt (Reg No. 44,408) | Frank Wu (Reg No. 41,386) |
| David T. Yang (Reg No. 44,415) | Peter J. Yim (Reg No. 44,417) |
| George C. Yu (Reg No. 44,418) | Karen R. Zachow (Reg No. 46,332) |

and:

Please direct all communications to:

Peng Chen
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130-2332

Please direct all telephone calls to Peng Chen at (858) 720-5117.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Feb. 8, 2002
Date

MINGDONG ZHOU



Name: Mingdong ZHOU
Residence: La Jolla, California 92037
Citizenship: Australia
Post Office Address: 8430 Via Mallorca, Apt # E, La Jolla, CA 92037